

**REMARKS**

Claims 1 and 3-25 are all the claims pending in the application. Claims 11-13, 17 and 25 have been withdrawn from consideration.

**1. Formalities**

Applicants thank the Examiner for acknowledging the election of Species I, claims 1, 3-10, 14-16 and 18-24 without traverse.

Applicants request that the Examiner return an initialed copy of form PTO/SB/08 submitted with the Information Disclosure Statement filed on January 12, 2006.

**2. Claim Rejections Under 35 U.S.C. § 112**

The Examiner has rejected claims 3, 15 and 18-24 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner contends that it is unclear as to whether the “maximum gradation” refers to the maximum gradation found on a recorded image or the maximum possible gradation, i.e., all dots being recorded.

Applicants submit that the modifications to the claims obviate the rejection.

**3. Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 3, 5, 14, 15, 16 and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent to Inoue (“Inoue”). For at least the following reasons, Applicants traverse the rejection.

Claim 1 recites an apparatus for recording an image by scanning a photosensitive medium with a light beam generated based on an image signal that comprises a “light beam intensity modulating means ... for modulating the intensity of the light beam to a higher level

when recording pixels in a highlight area of the image when compared to recording pixels in other areas of the image that have higher gradation values.”

Applicants submit that the Examiner’s comparison of recording dots in Fig. 7 with the non-recording of dots in Fig. 8 is not consistent with the claimed comparison as set forth in claim 1. To be consistent with the claim language, the light intensity level for recording dots in Fig. 7 must be compared with the light intensity level for recording dots in Fig. 8.

However, there is no disclosure or suggestion in Inoue that the intensity of the light beam is varied when recording dots in highlight areas of an image when compared to recording dots in other areas of the image. Accordingly, Inoue does not disclose or suggest “modulating the intensity of the light beam to a higher level when recording pixels in a highlight area of the image when compared to recording pixels in other areas of the image that have higher gradation values,” as set forth in claim 1.

Because claim 14 recites features similar to those given above with respect to claim 1, Applicants submit that claim 14 is patentable for at least reasons similar to those given above with respect to claim 1.

Claim 16 recites that the “light beam intensity modulating circuit modulates the intensity of the light beam to a higher level when recording pixels in a highlight area of the image when compared to recording pixels in other areas of the image that have higher recording duty ratios.” Because the Examiner’s rejection of claim 16 is similar to that given for claim 1, Applicants submit that claim 16 is patentable for at least reasons similar to those given above with respect to claim 1.

Applicants submit that claims 3, 5, 15 and 18 are patentable at least by virtue of their respective dependencies.

**4. Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Persoon et al. (US 4,501,016) ["Persoon"]. For at least the following reason, Applicants traverse the rejection.

Because Persoon does not cure the deficient teachings of Inoue given above with respect to claim 1, Applicants submit that claim 4 is patentable at least by virtue of its dependency.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Bosschaerts et al. (US 5,783,356) ["Bosscherts"]. For at least the following reason, Applicants traverse the rejection.

Because Bosschaerts does not cure the deficient teachings of Inoue given above with respect to claim 1, Applicants submit that claim 9 is patentable at least by virtue of its dependency.

**6. Rejoinder of Claim 25**

Because claim 25 depends on claim 1, Applicants request rejoinder of claim 25 at this time.

**7. Allowable Subject Matter**

Applicants thank the Examiner for allowing claims 6-8 and 10.

**8. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Amendment under 37 C.F.R. § 1.116**  
**U.S. Serial No. 09/810,661**

**Attorney Docket No.: Q61851**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

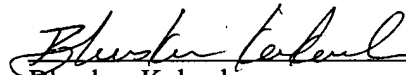
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